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ABSTRACT

To assess Soviet compliance with the provisions of the Helsinki Accords (the Helsinki Final Act), the Moscow-Helsinki Group collects and publishes documented human rights abuses in the USSR. The Moscow-Helsinki Group was formed by 11 participants in the human rights movement in 1976 and has prepared documentation regarding human rights violations for major international human rights conferences since that time. The group bases its reports on information gleaned from letters, phone calls, and personal reports from Soviet citizens. Information is checked for accuracy by various means, including referring to official documents such as secret instructions regarding trials and legal decisions and sending group members to evaluate alleged violations. The group believes that the information it provides regarding abuse of humanitarian provisions of the Helsinki Accords by the USSR should be considered at future international human rights meetings such as those which have been held recently in Belgrade and Madrid. Abuses are presented in 11 areas--equal rights and the right of national self-determination, free choice of place of residence within the USSR, the right to leave one's country and return, freedom of conscience, the individual's right to know and act upon this right, socio-economic rights, the right to a fair trial, the situation of prisoners of conscience, psychiatric repression, the right to unmonitored communication, and improving compliance with the Final Act agreements. Within each category, background information is presented and the identification numbers of documents referring to a violation in the category in question are listed. Excerpts from documented cases of human rights abuse are included for each theme. The document concludes with a directory of imprisoned members of the Helsinki Monitoring Group. (DB)

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A THEMATIC SURVEY OF THE DOCUMENTS OF THE MOSCOW HELSINKI GROUP

SO 013 355

Based on materials by Lyudmila Alekseeva, Moscow Helsinki Group Representative. Translated and edited by the staff of the CSCE Commission.

MAY 12, 1981

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THE MOSCOW HELSINKI GROUP

Background

The Moscow Public Group to Promote Observance of the Helsinki Accords in the USSR (better known as the Moscow Helsinki Group) announced its formation at a press conference for Western journalists on May 12, 1976. The first statement of the Moscow Helsinki Group publicized the names and addresses of the founding members: Professor Yuri Orlov, Group leader; and founding members Lyudmila Alekseeva, Elena Bonner, Aleksandr Ginzburg, Petro Grigorenko, Malva Landa, Anatoly Marchenko, Vitaly Rubin and Anatoly Shcharansky. (Later, ten other human rights activists joined the Moscow Helsinki Group: Sofya Kalistratova, Ivan Kovalev, Naum Meiman, Yuri Mnyukh, Viktor Nekipelov, Tatiana Osipova, Feliks Serebrov, Vladimir Slepak, Leonard Ternovsky and Yuri Yarym-Agaev.)

Believing that human needs and open information are directly related to international security, the Group seeks to inform the CSCE states and public opinion about violations in the USSR of the humanitarian provisions of the Final Act. The Moscow Helsinki Group hopes that the information it provides will be considered at those international meetings (the Belgrade Conference, the Madrid Conference and similar future meetings) which are envisioned in the Final Act, under the section "Follow-up to the Conference," to examine the fulfillment of obligations under the Helsinki Accords.

The Group called itself the Group to Promote the observance of the Helsinki Accords to stress its loyalty to the authorities and its desire to cooperate if they revealed a conscientious attitude towards their Helsinki human rights obligations.

The Group members called on other CSCE signatories to create similar citizens groups, since violations of the Final Act human rights provisions are possible in any country.

Prior to the Belgrade Conference, the Moscow Helsinki Group prepared 26 documents; prior to the Madrid Meeting, there was a total of 149 Group documents. The topics of the Moscow Helsinki

Group documents can be organized into categories which correspond to the humanitarian provisions of the Final Act:

I. On equal rights and national self-determination;
II. Free choice of a place of residence;
III. Free exit from a country and the right to return to it;
IV. Freedom of conscience;
V. The right to know one's rights and to act on them;
VI. Socio-economic rights, in the Universal Declaration of Human Rights, the International Labor Organization, and the International Pacts on Civil and Political Rights ratified by the Soviet Union;
VII. The right to a fair trial;
VIII. The situation of prisoners of conscience;
IX. Freedom from psychiatric repression;
X. Human contacts;
XI. Moscow Helsinki Group proposals on ways to improve examination of observance of Final Act provisions.

Working Methods

Moscow Helsinki Group documents are based on statements made by Soviet citizens. In its initial declaration, the Group declared its intention to formulate reports on the basis of written statements, but in practice oral reports are also taken into account.

Sometimes information was received through a chain of people who know each other. Rarely, letters were received with complaints of violations; sometimes phone calls were made from other cities with reports about arrests, house searches, or people being placed in psychiatric hospitals (however, the telephones of almost all Group members have been cut off). Sometimes people travelled great distances to see the Group; these people were called "messengers." Some "messengers" informed the Group about violations of their own rights or the problems of their close friends (for example, the right to emigrate). Some of these people were from groups representing many people, for example, the Pentecostals of whom there are about 500,000 in the Soviet Union. Other "messengers" were the representatives of entire nations, such as the Crimean Tatars or the Meskhi. These "messengers" belong to various social strata -- most of them are workers, low level civil servants or peasants.

The Moscow Helsinki Group documents do not reflect the personal bias of its members, but rather the information which was received. The Group members only registered and examined

the accuracy of the reports which they received. A very significant portion of Group documents is about religious persecution, although few of the Group members are religious. Appeals were received from Baptists, Pentecostals, Jehovah's Witnesses, Adventists, Catholics and Russian Orthodox which are all reflected in the corresponding documents.

The simplest case is when the reported human rights violations can be confirmed by official documents. Document 5 on the persecution of religious families, reports on Baptist parents who have been deprived of their parental rights since they are educating their children in their faith and not on the basis of Communist morality as stipulated by the Soviet law on marriage and the family. The document includes court judgements, resolutions of collective enterprises, or official recommendations given to children at school. Such official documents were given to the Group and served as the basis of this document.

Another example is Document 70 which describes the growth of the repressive campaign against human rights activists and dissidents, including the trials of workers, N. Shatalov (in the Krasnodar region, RSFSR), V. Konovalikhin (Kaliningrad oblast, RSFSR), E. Buzinnikov (Gomelsky oblast of Belorussia). Appended to Document 70 were complete texts of the court judgements.

Assertions of human rights violations were sometimes based on the texts of instructions to secret trials. In Document 3 on the conditions of detentions of prisoners of conscience, such instructions include reports on the dietary norms in Soviet prisons and camps and describes their system of punishment. Portions of these unpublished instructions were given to the Group by former political prisoners, who had compiled them from responses of camp and prison administrations (which referred to or quoted from such instructions) in response to complaints by political prisoners of bad food or punishment. During several years, evidence was collected from people who had been in political camps or prisons on their conditions of detention, food and punishment. This voluminous testimony confirmed the veracity of the official documents used in Document 3.

In Document 6 on discrimination in the choice of residence in the USSR, includes an unpublished portion of instructions on the rules of residence permission for political prisoners who have already served their sentences. These instructions were published in the Chronicle of Current Events 34. The veracity these instructions was confirmed in that the place of residence for all political prisoners who have completed their sentences is determined in exactly the way described in the text. An incomplete list of people whose place of residence is determined under these instructions is attached to Document 6.

It was most difficult to check the accuracy of reports without official written confirmation of these violations. For example, after a phone call from "the boss," which is a very widespread phenomenon in our country. Such reports were checked by going to the places where the violations occurred. At the request of the Group, Lidia Voronina and Arkady Polishchuk went to the Pentecostal communities in the Northern Caucasus and on the Pacific coast to check on oral reports by Pentecostals on religious persecution (Documents 11 and 23).

Lyudmila Alekseeva travelled to Lithuania to check reports about religious persecution which were received from Lithuanian Catholics. These reports later became the basis for Moscow Helsinki Group Document 15 and Lithuanian Helsinki Group Document 1, written with the Moscow Group.

Alekseeva describes how the material for Document 15 was checked: "We were told that in Vilnius (the capital of Lithuania) seven boys had been expelled from their senior year of high school. The reason for expulsion was their attendance at church services and for visiting the home of Viktoras Petkus, a well-known Catholic activist (he later became a member of the Lithuanian Group to Promote the Observance of the Helsinki Accords in the USSR).

"In the Soviet Union there is a legal obligation to complete high school. Everyone knows how difficult it is to be expelled -- even if a student has already stopped going to school, or has disobeyed all the rules of behavior. Suddenly, seven students have been expelled from one school in their final year.

"Accompanied by Tomas Venclova (a well-known Lithuanian dissident who later joined the Lithuanian Helsinki Group), I was received by L. Rimkus, the Minister of Education for the Lithuanian SSR. I told the Minister that I was a member of the Moscow Group to Promote the Observance of the Helsinki Accords in the USSR and I am interested in the expulsion of the seven students from the Vilnius school. Evidently, the Minister did not listen to foreign radio broadcasts and had not heard of our Group. He explained that the boys had behaved like hooligans, but claiming he only knew the general facts of the case. The Minister stressed that everything in this case had been according to law, meaning that there is a record of the meeting of the school pedagogical council which has the right to decide such requests from the regional branch of popular education. The official report must describe the actions for which they want to expell a student and to report the results of the council vote.

" We went to the school where we hoped to examine these documents. We were met by Mr. Dobinas, director of the educational division. When I asked to see this official record, Dobinas claimed it was not at the school. The secretary had taken them home to copy. Although the expulsion had occurred a month ago, the secretary still had the record at home. Dobinas called in four teachers who gave confused and contradictory explanations.

"Then we met the expelled students and fellow classmates, who said that Dobinas had called these seven students in for questioning at the request of KGB Senior Lieutenant Verbitsky and militia Captain Semenov. These two men asked if they attended church, if they listened to Radio Vatican broadcasts and why they visited Viktoras Petkus. Captain Semenov cursed the boys; Lieutenant Verbitsky was polite. But both men threatened that unless the boys gave criminal evidence against Petkus, they would not be admitted to any institute of higher education. One student, Bogushes, was even told he would be sent to a labor camp for juveniles. The boys refused to give false testimony against Petkus and refused to stop attending church services. After their summer holidays, the boys were informed they had been expelled from school. Neither the boys nor their parents were ever shown the decision of the teachers' council." On the basis of these conversations, Document 15 was composed which states that there is reason to think that the expulsion was ordered by the KGB.

However, the Group does not always have the possibility of directly checking the facts we have received. Sometimes, Group documents include reports from citizens about violations of their rights based only on their testimony (oral refusals in OVIR or beatings in prison, etc). The Group has often appealed to CSCE signatories and public opinion to create an international commission to examine the information compiled by the Group about violations of the Final Act by the Soviet authorities.

Since there was no other method of copying materials, 35 copies of each document were typed and sent by registered mail one copy to Brezhnev's office and others to the appropriate foreign embassies in Moscow. Six documents were sent this way. Only Brezhnev's office sent back the return receipts for the six documents; the remaining 240 envelopes never reached their destinations. Soviet mail was no longer used and ways were sought to send out material through people with access to the ambassadors of CSCE signatory states, as well as through Western correspondents in Moscow.

The staff of the U.S. Congressional Helsinki Commission has assumed the task of translating Moscow Helsinki Group documents and sending them to the governments of CSCE signatories and to interested private organizations.

Present Status

The Moscow Helsinki Group was founded by eleven participants in the human rights movement; ten others joined later. Three of the Group founding members were arrested on the eve of the Belgrade Conference: Group leader Yuri Orlov, and Aleksandr Ginzburg were both arrested in February 1977; and Anatoly Shcharansky in March 1977. They were sentenced respectively to seven years of strict regimen camp and five years of internal exile; eight years of special regimen camp; and three years of prison and ten years of strict regimen camp. Only Ginzburg has been freed from imprisonment. (Ed: Ginzburg was released in the U.S.-Soviet prisoner exchange in April 1979).

In May 1978, Malva Landa was sentenced to two years of exile and in July Vladimir Slepak was exiled for five years. Just before the Madrid Conference, Viktor Nekipelov was sentenced to seven years of strict regimen camp and five years of exile. Leonard Ternovsky was sentenced to three years in camp; during the Madrid Meeting, Tatiana Osipova was sentenced to five years in camp plus five years of exile. Feliks Serebrov was arrested in January 1981. Malva Landa, released from exile in an amnesty in March 1980 was again exiled, this time for a five-year term. Elena Bonner has chosen to share exile with her husband, A.D. Sakharov. Occasionally, she makes brief visits to Moscow. Petr Grigorenko was stripped of his Soviet citizenship in February 1978 while abroad for medical treatment. Five other members of the Moscow Helsinki Group have emigrated -- some voluntarily, some forcibly.

There are now three members of the Moscow Helsinki Group in Moscow: Sofya Kalistratova, Naum Meiman and Ivan Kovalev (who is threatened with criminal prosecution). Although there have been press reports that the Moscow Helsinki Group has been "crushed" by the Soviet police, it continues to function: the most recent Moscow Helsinki Group document 164, a report of Genrikh Altunyan's trial in Kharkov, is dated April 7, 1981.

I. Equal Rights and the Right of National Self-Determination

The Moscow Helsinki Group has clearly expressed its support for strict observance of national equality and the right of all peoples to determine their own fate. This issue is of primary importance for the multi-national Soviet Union and is reflected in Moscow Helsinki Group Documents 1, 10, 18, 19, 24, 43, 82 and 112.

After the formation of the Moscow Helsinki Group analogous groups were founded in Ukraine, Lithuania, Georgia and Armenia -- that is, in those republics with the most developed nationalist movements. Thus, the documents of the Ukrainian Helsinki Group mostly focus on the problem of inequality of Ukraine and Ukrainians in the Soviet Union.

In every possible way, the Moscow Helsinki Group supports its colleagues in the other republics. In announcing the formation of the Ukrainian Helsinki Group, the Moscow Helsinki Group noted:

> "We would like to point out that people who attempt to collect and publicize information about human rights violations in Ukraine -- especially anyone who wants to give such information to governments -- are subjected to barriers which violate both the letter and the spirit of the Helsinki Accords.
>
> "Although Ukraine formally is a full-fledged member of the United Nations, it was never invited to participate in the Helsinki conference; almost no representatives of the Western press are based in its capital; in effect, there are no diplomatic representatives able to receive such information. It is futile to send through the mail information about violations of the Final Act. We have proof that such letters never reach their addresses. Under these circumstances, the formation of the Ukrainian Helsinki Group is an act of great bravery.
>
> "On its first day, there was a bandit-like attack on Ukrainian Group leader Mykola Rudenko's apartment and Group member Oksana Meshko was wounded. We note the possibility that criminal methods (against which it will be difficult to get legal redress) will be used against a Group which is in strict compliance with the Final Act. We ask public opinion to speak out in defense of the Ukrainian Helsinki Group and to follow its fate. The Moscow Helsinki Group will assist the Ukrainian Group in giving information to correspondents and representatives of the Helsinki signatory states."

Consistently, the Moscow Helsinki Group has reported on the situation in Ukraine: in over 30 documents the Moscow Group has noted instances of repression in Ukraine brought to its attention; many of these materials relates to participants in the Ukrainian national movement. (Documents 3, 6, 12, 13, 17, 28, 31, 47, 59, 61, 62, 67, 78, 79, 82, 83, 84, 100, 102, 132, 133, 157 and 164).

Moscow Helsinki Group documents have also noted political trials in Lithuania and persecution of the Lithuanian Helsinki Group. (Documents 15, 56, 100, 111). Less information gets to Moscow from the other republics, including Georgia and Armenia. Therefore, Moscow Helsinki Group documents include only information about repressions against members of the Georgian and Armenian Helsinki Groups. (Documents 47, 78, 100, 103).

Moscow Helsinki Group Document 19, on the breaking up of the seminar on Jewish culture, is concerned with discrimination on the basis of nationality. The latest Soviet census records over two million Jews in the USSR. The Jewish people are in an unfavorable situation, particularly in their right to a national culture: in the USSR, there are no Jewish schools, no national theater or other cultural center. There is only one newspaper (Birobidzhan Shtern) and one journal, Sovetisch Heimland in Yiddish, and one publication in modern Hebrew.

Every year this situation worsens since people who know Yiddish and Hebrew, Jewish literature, history, and national traditions are dying. The authorities use various methods to hinder, among young and old, the study of their native language, history and culture. There are no courses for Hebrew or Yiddish; the private teaching of Hebrew is punished, there are no books published on Jewish history or culture; literature in Hebrew and about Jewish culture is confiscated during house searches. Even the Bible, sacred writ for two religions and also the epic of the Jewish people, has become a biblographical rarity. Often, the Bible is confiscated during house searches. Document 112 is concerned with discrimination against Jews in the area of education; Moscow State University now has a system of failing Jews during entrance examinations.

There is systematic discrimination against the Crimean Tatars who are denied status as a national group (Ed: A Muslim national group of about 500,000 who were deported from the Crimea to Central Asia in 1944 and who are still not allowed to return to the Crimea). "In effect, the policy in regard to the Crimean Tatar people is aimed at its gradual liquidation as a historically evolved national culture and its assimilation."

Most Crimean Tatars, who were forcibly and unjustly deported from their land in 1944, live in Central Asia. They have no schools in their native language, although there were several hundred under the Crimean Autonomous Republic. They do not have a single journal or dictionary. Until 1944, there was a special institute for research on Crimean Tatar language and literature. From 1944 to 1973, two textbooks in Crimean Tatar were published (in 1939, 59 textbooks were published). Of seven newspapers in Crimean Tatar published before the war, only one -- not a weekly -- is printed today.

Obviously, the authorities plan on Crimean Tatar assimilation into the Central Asian population. But, since this policy is opposed by the Crimean Tatars, it violates "human rights and fundamental freedoms, respect for which is an essential factor for peace, justice and well-being..." (Principle VII). Document 10 states that "the Crimean Tatars undertake peaceful and legal efforts to preserve their nation and culture. For this reason they are subjected to repression by the authorities. The cruelest repression is directed against those who attempt to return to their historical homeland -- to labor in collective farms in steppes of the Crimea."

Several Moscow Helsinki Group documents, which are examined in the following section, describe the Crimean Tatar struggle to return to their historic homeland.

II. Free Choice of Place of Residence in the USSR

Moscow Helsinki Group Documents 10, 24, 43 and 60 describe the struggle of the Crimean Tatars to return to the Crimea. The Moscow Helsinki Group states that this struggle reveals blatant discrimination on the basis of national origin of the right to freely choose one's place of residence:

> "In the Crimean steppe -- there is a constant shortage of workers and the local authorities are forced to invite settlers from Russia and Ukraine -- Crimean Tatars encounter extraordinary obstacles in the legalization of documents for the purchase of houses, in residence permits and in finding work... If Crimean Tatar peasants buy houses the authorities destroy them with bulldozers; breadwinners are not accepted for work; even families with many children are forced onto the streets; they are deported. The most stubborn 'returnees' are arrested and sent into internal exile or to places of imprisonment.
>
> "Since the publication of the Order 'About Citizens of the Crimean Nationality Previously Residing in the Crimea' (Order of the Presidium of the Supreme Soviet of the USSR of September 5, 1967, which rehabilitated the Crimean Tatars accused in 1944 of 'treason') only 1,409 families (about 7 to 8 thousand people) managed to return to their homeland and get permission to live there. 650 Crimean Tatar families live without residence permits under the constant threat of hunger since they cannot get work without residence permits. Based on the view that land belongs to the state, the authorities take away the tiny parcels of land around the houses which some have managed to buy.

"The local population is stirred up against the Crimean Tatars through false rumors -- circulated despite the 1967 rehabilitation -- that they really did betray their country during the war. The authorities not only do not protect Crimean Tatars against hooligans or thieves, but actually encourage them. If someone complains to the militia they suffer." (Document 24).

Document 43 includes the text of an official document in response to the request of Mustafa Dzhemilev, a Crimean Tatar, after release from camp (he has served several lengthy sentences for his role in the Crimean Tatar struggle) to be allowed to go to the Crimea where his parents live:

"The parents of convict Mustafa Dzhemilev live on the territory of the Belgorodsky region in blatant violation of the passport regimen and without a residence permit. Since they are specially resettled people, their access to residence permission in the Crimea is restricted. In connection with the above-mentioned facts, it would not be appropriate to send Dzhemilev to the Crimea since he will be refused a residence permit there." (Document 43).

The Meskhi are in an analogous situation: a small Muslim national group in southern Georgia from which they were deported in 1944 on charges of "treason." The Meskhi are also forbidden to return to their native areas and are not even allowed to settle on the territory of Georgia. The Moscow Helsinki Group received from the leaders of the Meskhi movement lists signed by 1,100 heads of households -- representing about 7,500 Meskhi -- with the request to assist them to return to Meskhetia or Georgia.

The Meskhi are willing to return to any part of Georgia even in small groups and to different villages. The authorities, however, pay absolutely no attention to their requests. Since 1967, when the Meskhi began their struggle to return to their historic homeland, none of them have succeeded in returning to their native areas. (Ed: The Meskhi are a Muslim people of about 40,000 who lived on the Turkish-Georgian border until 1944).

The Soviet authorities, however, violate the right to freely choose one's place of residence, not only on the basis of national origin, but also as a penalty for one's beliefs. Former political prisoners are severely restricted in their choice of place of residence. They are banned from living in certain cities which are listed in Soviet governmental decisions including Moscow, Leningrad and the republic capitals and

"regimen cities" -- all major cities and border regions of the USSR.

These restrictions, left over from the days of Stalin, were extended in a secret section of an August 28, 1974 Soviet Council of Ministers Decree. Moscow Helsinki Group Document 6 views these regulations to be a penalty extended even after the court defined term of imprisonment. For a considerable portion of political prisoners who live in large cities, this residence restriction also forcibly separates families.

In addition to the Crimean Tatars, Meskhi and former political prisoners, denial of the right to choose one's place of residence also affects 40 million collective farmers -- 15 percent of the Soviet population. If the three above-mentioned categories of Soviet citizens are forbidden to settle in specific areas, then kolkhozniks are allowed to live only on the territory of their collective farm. Kolkhozniks do not have internal passports without which it is impossible to receive a residence permit. Without this permit, one cannot live anywhere since that would be a violation of the passport regulations and is punishable by up to one year of imprisonment. Soviet passport regulations constitute a major constraint on the right to freely choose one's place of residence.

The situation of collective farmers is discussed in Moscow Helsinki Group Documents 9, 49 and 63. "Since the 'Model Statutes of the Collective Farm' (which is obligatory for all collective farms in the USSR) do not clearly affirm the right of kolkhozniks to leave the collective farm, there is the possibility that a kolkhoznik may be forcibly detained on a collective farm," the Moscow Helsinki Group stated in Document 63.

Five Jewish collective farm families (with 41 people) who live in the village of Ilinka, on the Kazan state farm in the Voronezh oblast, RSFSR, are in this situation. They applied for permission to leave the collective farm and, as provided for in the statutes, requested a general meeting of people authorized to decide whether they could leave the collective farm. At the meeting, people voted 86 to 17 to decide 'not to allow those applicants to leave the collective farm.' None of those who had applied to leave the collective farm were allowed to speak during the meeting. In response to their complaint, the regional procuracy decided 'there had been no violation of collective farm democracy in the resolution of this issue. The oblast procuracy gave a similar reply. The RSFSR procuracy returned the complaint to the oblast procuracy." (Document 63).

III. The Right to Leave One's Country and Return

All Soviet citizens are deprived of this right.

The West is well acquainted with the numerous obstacles for Jews who want to emigrate to Israel, or of Germans who want to emigrate to the Federal Republic of Germany. In official declarations both Jews and Germans base their emigration requests on family reunification. Basket III of the Helsinki Final Act has specific provisions for reunification of families. Nevertheless, as can be seen in Moscow Helsinki Group Documents 4, 9, 12, 13, 20, 22, 25, 32, 49, 63, 71, 122, 149, there are still numerous refusals, giving rise to the Jewish and German emigration movements.

Few in the West, however, know there is another mass emigration movement in the Soviet Union: that of the Pentecostals who want to emigrate due to religious persecution. Moscow Helsinki Group Document 23 on the Pentecostal Emigration Movement states, "A unique feature of the Pentecostal and Baptist struggle to emigrate from the USSR is their desire to leave as a group. They demand that believers be allowed to leave not as single families...but in entire groups, even entire church communities defined by geographic area. This unique feature of their emigration movement is based on spiritual, social, historical and psychological factors."

Over 50,000 Pentecostals and Baptists have officially applied for permission to emigrate from the Soviet Union, but only a few families have received permission. Soviet violations of the Final Act in regard to Pentecostals and Baptists is the subject of Moscow Helsinki Group Documents 11, 13, 20, 23 and 91.

In addition to these mass emigration movements, in the Soviet Union there are tens -- and perhaps hundreds -- of thousands of people, including Russians, who want to leave their country either permanently or temporarily. The Soviet authorities refuse to even accept applications from these people, justifying their refusal -- as they do with the Pentecostals -- that these people do not have invitations from relatives.

Not only is the right of citizens to leave their country and to return addressed in the Final Act under provisions for favorable consideration of requests for family reunification, but also in the provisions to respect the rights of free migration for workers and in the obligations of CSCE signatories to respect human rights guarantees in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights ratified by the Soviet Union in March 1976.

The Moscow Helsinki Group states, even for family reunification, that emigration from the Soviet Union has socio-economic and political roots. "The general movement of family reunification cases leaving the USSR is not even to a small degree compensated by a return movement into the Soviet Union, pointing to its real social roots. People forced to seek out relatives in Israel in the hopes of receiving visas to leave the USSR can, with good reason, be considered refugees." (From an introduction to Moscow Helsinki Group Documents 11-14). In their reports to the Moscow Helsinki Group on emigration refusals, some Soviets have based their desire to emigrate on their inability to attain an adequate standard of living for themselves and their families in the Soviet Union (Moscow Helsinki Group Documents 13, 14, 70, 71), or due to political persecution (Moscow Helsinki Group Documents 12, 13, 70, 71).

The Moscow Helsinki Group makes the following observations on the general situation of emigration from the USSR:

> "Recently in the West there has been a tendency to think that the increase in the number of Soviet Jews receiving emigration permission is an overall improvement in Soviet emigration policies. Despite the great moral significance of Jewish repatriation, this issue certainly does not cover the entire problem of emigration from the USSR.
>
> "For purely tactical considerations, the Soviet authorities close or open the spigot, sometimes allowing more and then fewer Jews to emigrate so as to create the impression that they are fulfilling their international obligations. The rest of the Soviet population is denied even this narrow and arbitrary "freedom of emigration...
>
> "Article Three, Section 12, of the Pact on Civil and Political Rights holds that the right to emigrate cannot be subjected to any limits other than those set by law (which should be published) which establishes a basis for refusals and which establishes a procedure for examination of emigration requests. In the Soviet Union, the rule of law is replaced by the arbitrary whims of bureaucrats in OVIR (Office of Visas and Registration) and highly placed government bureaucrats who usually only orally state the reasons for refusal...
>
> "Tens of thousands of Jews, Germans, Russians, Ukrainians, Lithuanians, Estonians and people of other nationalities and religious faiths have been trying for years to get permission to emigrate from

this country. The absence of a published law on emigration and the growing tendency to regard as semi-criminals -- if not traitors -- anyone who wants to leave the USSR leads to a situation in which thousands of would-be emigrants are persecuted: they are forced to leave their jobs or are expelled from academic institutions. Frequently, such actions then lead to falsified criminal charges.

"For a genuine improvement of the conditions of emigration it is essential to adopt and publish an emigration law. Such a law must correspond with our government's international obligations. Such a law must contain clearly formulated reasons for emigration refusal and a detailed procedure for the examination and appeal of emigration cases." (Document 91).

IV. Freedom of Conscience

Moscow Helsinki Group documents describe the persecution of Baptists (Documents 5, 7, 23, 82, 99), of Pentecostals (Documents 11, 23), of Adventists (Documents 45, 70, 82, 95), Catholics (Documents 15, 111), and Russian Orthodox (Documents 78, 111, 115, 140, 141). Moscow Helsinki Group Document 100, a general survey, describes the persecution of all religious faiths. Materials on religious persecution are also collected by the Council of Relatives of Evangelical Christians and Baptists. Reports of the Christian Committee to Defend the Rights of Believers, the Catholic Committee for the Defense of the Rights of Believers, and the Adventists Rights Group are published regularly in the Chronicle of Current Events. The Moscow Helsinki Group calls on the delegates to the Madrid Meeting to examine these documents along with the other documents of the Moscow Helsinki Group.

Unregistered congregations of Baptists, Pentecostals and Adventists (including those whom the authorities refuse to register and those who refuse to submit to registration since registration rules violate their religious convictions) are subject to the most severe repression. From the 1930's to the 1950's, religious leaders, preachers and even ordinary believers were threatened with execution or long sentences of imprisonment. In the 1960's the sentences were shortened, but arrests of believers remained very widespread. In the mid-1970's the Soviet authorities resorted less frequently to arrests and more often to heavy fines to harass unregistered congregations (sometimes even registered congregations are subject to very heavy fines); prayer meetings are banned or are broken up by force; other

methods include beatings, short term detentions or forcible incarceration in psychiatric hospitals.

The authorities hunt down secret printing presses of the Baptist printing house "Christian" or the Adventist printing house, "The Faithful Witness" which print religious literature or information on religious rights. The printers and distributors of such literature are sentenced for "involvement in illegal economic activity" or "slander" and are sent off to labor camps.

For bringing up their children in a religious atmosphere, believers may be threatened with the worst persecution: having their children taken away from them by the state. (Moscow Helsinki Group Document 5). School children suffer for religious faith: "The children are insulted by teachers and then the schoolchildren follow suit. Quite often they are beaten or slapped by their teachers. They are forced to join Communist youth organizations such as the Octobrists, Pioneers and Komsomol. If they refuse to join these atheist organizations, they continue to receive lower grades, including bad marks for conduct. The result is that children of believers become the victims of systematic discrimination in the sphere of education ... From their first school days, each student is marked with written evaluations: They are branded for life as unreliable." (Document 23).

It is not only Baptist and Pentecostal children, described in Document 23, who are subject to violations of religious rights, but also the children of Catholics. Moscow Helsinki Group Document 15 describes seven schoolboys in Vilnius, Lithuania were expelled from their last year of high school because they attended church. Numerous instances of discrimination against Catholic children are noted in the Chronicle of the Lithunaian Catholic Church and the documents of the Catholic Committee to Defend the Rights of Believers.

During 1979 and 1980, the following arrests for religious activity have become known in the West: 84 Baptists, 9 Pentecostals, 24 Adventists, 15 Russian Orthodox, 11 Catholics, 3 Jehovah's Witnesses and one member of the True Orthodox Church.

V. The Right of the Individual to Know and Act Upon His Rights

Since late 1978, the offensive against the human rights movement has intensified everywhere. Document 111 compiled in November 1979, is entitled, "The Sharp Intensification of the Persecution of the Human Rights Movement in the USSR." Juridical and extra-juridical forms of persecution are being carried out against all dissident elements. Repression is directed mainly

against individuals who distribute independent information and those who link human rights activists with sympathetic citizens Obviously, the authorities are attempting to sever the channels of information between Moscow and other parts of the USSR and from Moscow to the West. Thus, the police want to cut off the support network, especially for political prisoners, internal exiles and their families. Independent human rights associations and groups and editors of samizdat publications play an especially important role as contacts. It is these independent public groups which are the main target of repression.

Here is a partial list of the Soviet human rights activists imprisoned in 1979 and 1980 in various parts of the USSR: Tatiana Velikanova, a leading contributor to the Chronicle of Current Events (which despite numerous harsh reprisals has been published for ten years). (Documents 103, 111, 140). The arrests of all the members of the Working Committee to investigate the Abuse of Psychiatry for Political Purposes (formed in January 1977 in affiliation with the Moscow Helsinki Group): Vyacheslav Bakhmin, Dr. Leonard Ternovsky and Aleksandr Podrabinek have each been sentenced to three years in camp; Feliks Serebrov, Irina Grivnina and Dr. Anatoly Koryagin are all imprisoned awaiting trial (Documents 51, 96, 100, 123, 128, 129). Father Gleb Yakunin and Viktor Kapitanchuk, founders of the Christian Committee to Defend the Rights of Believers (Document 111, 144, 151, 154, 155), were convicted of "anti-Soviet agitation and propaganda."

The editors of the Moscow samizdat journal "Searches" (which publishes the various trends of independent thought) is under constant pressure (Documents 114 and 120 on the arrests of editors V. Abramkin, Yu, Grimm and V. Sokirko) and others are subjected to searches, interrogations and blackmail. (Documents 86, 92, 100 and 120). The journal "Jews in the USSR" is subject to systematic persecution (Documents 100, 128, 156).

Document 102 describes the disruption by the authorities of a peaceful demonstration in Pushkin Square on Human Rights Day. Unofficial Youth Groups (Documents 70 and 100) and the first unofficial feminist journal "Women in Russia" were broken up by the authorities. The members of the unofficial women's club "Maria" are subjected to constant searches and interrogations, and two members, Natalya Lazaryova and Natalya Maltseva, have been arrested.

Document 55 describes a propaganda campaign against human rights activists: articles and letters libeling human rights activists have appeared in various newspapers, but letters in their defense have never been published, although the Moscow Helsinki Group knows that such letters have been sent to the newspapers.

Moscow Helsinki Group Documents 31, 47, 59, 78, 79, 83, 93, 100, 132 and 157 focus on the situation of Ukrainian human rights activists. Documents 100, 102 and 149 report an increase in the last several years in Ukraine of criminal methods of persecution: the fabrication of "crimes" charging human rights defenders with resisting arrest, hooliganism and other acts, including rape. Other tactics include short term detention and arrest for 15 days, searches, and brutal beatings in public places by "unknown" people.

Women are not exempt from such cruel treatment. Document 102 provides several examples: "On February 12, 1979, in the village of Khristinovka, Cherkassky Oblast, sixty-seven year-old Galina Didyk, former political prisoner was grabbed on the street by two 'unknown' assailants." The attackers -- whom Didyk had previously seen posted outside a building of the Military Registration and Enlistment Office -- fell on her from both sides. A relative was summoned from Didyk's home to the police station, ostensibly to act as witness in a theft case, while an illegal search of Didyk's home was being conducted.

"On August 30, 1979, the police broke into the home of Nadezhda Surovtseva, an eighty-four-year-old writer and long-time political prisoner. Using the pretext of searching for stolen items the police confiscated Surovtseva's memoirs, the poetry of her lodger Dmitro Kalyuzhny, and her notebooks. Two years previously, on September 30, 1977, the police had performed a similar search on charges of counterfeiting and confiscated memoirs, diaries, a typewriter and the writer's entire literary archive.

"Tamara Los, human rights activist from Belaya Tserkov, Kiev Oblast, is threatened with criminal prosecution. She helps local people and has good contacts in Moscow. Although Los paid back 110 rubles which disappeared from her place of work when she was called in for KGB questioning, she was subjected to an investigation for embezzlement and interrogation.

Physical violence against dissidents has become normal: in May-June 1979, the Kiev KGB repeatedly attacked Ukrainian Helsinki Group member Pyotr Vins in the street and took him to a forest where they beat him up. On August 2, 1979, a member of the Ukrainian Helsinki Group, physician Vladimir Malenkovich, was beaten up near his home by "unknown" assailants. Malenkovich was later convicted of "hooliganism" and sentenced to a 15-day term.

Citing several other incidents, the Moscow Helsinki Group asserts "All the developments in Ukraine today can only be characterized as Mafia violence. It goes far beyond the violation of rights and the law, but is rather unbridled violence,

physical and psychiatric terror, threatening the very lives of those persecuted by the authorities... We request Amnesty International and the International League for Human Rights to raise the issue of using terrorist methods against people for political offenses. Criminal violence as a method of ideological warfare must be totally eradicated from the practice of signatory states."

Another alarming new tactic of repression noted by the Moscow Helsinki Group is that political prisoners sometimes receive a second sentence towards the end of their first term of imprisonment (Document 132). "From 1980 on, we learned of seven instances of second arrests of human rights activists who had served a term of punishment or who recently had been freed after completing a term of imprisonment and internal exile: the convictions of Vasyl Barladyanu (Ukraine), Rasmik Markosyan (Armenia), Vyacheslav Chernovol (Ukraine), Romen Kosterin (Kaliningrad Province), Mark Morozov (Moscow), and Vasyl Stus, Mykola Gorbal and Vasyl Lisovy (all from Ukraine), plus the brothers Kirill and Aleksandr Podrabinek, Moscow oblast (Document 155). "In conditions of camp and distant exile it is much easier for the authorities to fabricate any political or 'criminal' case," the Moscow Helsinki Group explains. "It is much harder to organize a defense of these people, since it is difficult, and sometimes impossible, to receive and publicize information on the instigation, investigation and examination of these cases. In practice, people who are the target of a new "case" while serving out a previous punishment are left defenseless... One should stress that in many cases, the real reason for the second arrest is not a new "crime," but because that individual has not renounced his previous activities." (Document 136).

Unfortunately, the Moscow Helsinki Group has had to report on the persecution of the Soviet Helsinki Groups, including the Moscow Helsinki Group (Documents 16, 28, 31, 32, 40, 41, 47, 50, 53, 56, 57, 59, 60, 61, 65, 75, 78, 79, 82, 93, 101, 103, 113, 116, 117, 127, 131, 133, 135, 139, 151, 154, 157, 161). These documents describe searches, interrogations, job dismissals, blackmail, groundless detentions, libel in the press, fabricated criminal cases, beatings by "unknown" assailants, arrests and convictions.

The Soviet authorities declared the Moscow Helsinki Group a "hostile association" during an official "warning" to Group member, Yuri Yarym-Agaev, when he was detained by the KGB on May 30, 1980. This characterization is particularly dangerous since it occurred shortly after the arrest of Group member, Tatiana Osipova.

The arrests of Orlov, Shcharansky, Ginzburg, Landa and Slepak before the Belgrade Conference, the arrests of Nekipelov, Landa, Ternovsky and Osipova before the Madrid Meeting, and Serebrov's arrest during the Madrid Meeting, are blatant violations of the Final Act. For the Soviet authorities to label this group a "hostile association" reveals the official attitude to the Final Act which specifically calls on "private individuals and associations which have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation." (Principle IX).

VI. Socio-Economic Rights

The Moscow Helsinki Group is the first Soviet human rights group to focus on socio-economic problems. In a supplement to Moscow Helsinki Group Document 7, the Group described arrests of workers in the aftermath of strikes in the Riga, Latvian port in May 1976. In December 1976, the Moscow Helsinki Group issued Document 13, "Workers' Requests to Emigrate for Political and Economic Reasons," which is based on workers' statements to the Moscow Helsinki Group requesting assistance in emigrating to any capitalist country, since in the USSR they cannot earn enough to feed their families. This document also stresses that Soviet labor unions are not effective defenders of workers' interests.

The Moscow Helsinki Group returned to this theme in Document 85, a survey of "Violations of Socio-Economic Rights in the USSR: The Right to Work:"

> "The most serious violation of the rights of blue and white collar workers is their actual inability to defend their own interests. Soviet law does not give people the right to strike; any attempt at collective action is cruelly repressed. Soviet trade unions are essentially Party-State agencies rather than workers' organizations to secure better living standards and improved working conditions... In the USSR, trade unions deal with problems of production, plan fulfillment, labor discipline, and ideological indoctrination... Their defense of workers' interests is marginal at best."

Since early 1978, socio-economic issues have played an important role in Moscow Helsinki Group documents. Moscow Helsinki Group Document 36 comments on the creation of independent labor unions in the USSR, affirming the absolute legality of such organizations. Document 37 discusses social benefits according to categories, revealing that pensions can be meager, especially for those who become incapacitated for work at an early age. Document 85 notes: the USSR makes no provisions for the unemployed, including unemployment compensation; the low wages of the vast majority of the population; the exploitation of women to perform heavy labor; the existence of various forms

of forced and semi-forced unpaid labor, including overtime work to fulfill the plan, "voluntary" work on holidays, people being sent from the cities to work on collective farms, etc., and the very limited choice of a place of employment due to the system of workbooks and residence permits.

Other Moscow Helsinki Group documents note discrimination in the work sphere against various categories of citizens: invalids (Documents 6 and 46), applicants for emigration (Document 47), and members of unofficial citizens' groups (Documents 47, 75, 76, 77 and 96).

Moscow Helsinki Group documents also present information on the widespread use of forced labor in the USSR. In addition to the system of forced labor for most workers (described in Document 85) there is also a system of forced labor legalized in articles on "parasitism" in the criminal codes of the Soviet republics (Document 47). "Anyone can be accused of parasitism who lives off the proceeds of income derived from unofficial jobs."

In legal practice, the issue of "income derived from unofficial jobs" is not actually investigated. This law is often used against dissidents who earlier are expelled from their jobs and not given the chance to find other work.

> "On March 20, 1978, Grigory Goldshtein, a member of the Georgian Helsinki Group and Candidate of Science in cybernetics, was sentenced to one year of imprisonment for 'parasitism.' After Goldshtein applied to emigrate to Israel, he lost his job and lived on his savings. There are many such incidents. In order to avoid being sentenced to imprisonment as a parasite after they have lost their jobs (in reprisal, for example, for applying to emigrate), many highly trained specialists are forced to accept any job -- even poorly paid manual labor."

Moscow Helsinki Group document 63 raises the issue of forced labor for collective farmers who do not have the right (even if they so desire) to leave the collective farm. Document 85 notes the extremely difficult conditions for collective farmers: no specified hours in a working day and no paid vacations.

Document 87, compiled by political prisoners of the Perm Labor camps, holds a special place among Moscow Helsinki Group reports. In the introduction to this document, Yuri Orlov, imprisoned leader of the Moscow Helsinki Group, gives totals for

prisoners of all categories in the USSR based on his own observations and those of other prisoners. Orlov estimatjes that about five million people -- or 2 percent of the Soviet population -- perform various types of forced labor. These people and their families represent "a not less significant portion of the working population than the unemployed and their families in the West," concludes Orlov.

The first section of Document 87 describes working conditions for prisoners, pointing to the example of political prisoners in the Urals. The authors of Document 87 ask that labor unions and other workers' organizations in the West note that in the USSR the many millions in the army of prisoners -- in terms of their living and working conditions and paltry wages -- are proletarians in the classical sense of the word. Orlov compares the situation of prisoners who perform forced labor to that of serf labor of a distant epoch. The Moscow Helsinki Group, in documents on the situation of collective farmers, makes the same comparison.

Moscow Helsinki Group Documents 70, 76, 77, 82, 94 and 98 describe a series of trials against workers who have participated in the movement for social and human rights in the Soviet Union.

VII. The Right to a Fair Trial

The first document of the Moscow Helsinki Group on the trial of Crimean Tatar activist, Mustafa Dzhemilev, introduced the theme of trials of human rights activists. These documents include information on violations of the code of criminal procedure in M. Rudenko's and O. Tykhy's trial; Documents 50 and 53 on Yuri Orlov's trial; Document 54 on the sentencing of V. Slepak, I. Nudel and V. Petkus; Document 56 on the trials of A. Shcharansky and A. Ginzburg; Document 57 on the appeal trials of Yuri Orlov and v. Slepak; Document 59 on L. Lukyanenko's trial; Document 70 on the trials of the workers, E. Buzinnikov, N. Shatalov, V. Konovalikhin, R. Kosterin, E. Kuleshov; Document 83 on I. Zisels' trial; Document 107 on the trials of Czechoslovak human rights activists; Document 94 on L. Volokhonsky's trial; Document 95 on the trial of the Adventist leader, V. Shelkov and others; Document 99 on the trial of Baptists A. Nikitenkov and V. Popkov; Document 127 on the trial of Moscow Helsinki Group member Malva Landa; Documents 137 and 139 on the trial of Moscow Helsinki Group member V. Nekipelov; Document 141 on the trial of Russian Orthodox activist, A. Ogorodnikov; Document 142 on the second trial of Armenian activists, R. Markosyan; Document 143 on the trial of human rights activists Iosif Dyadkin and Sergei Gorbachev; Documents 144 and 151 on the trials of V. Bakhmin and L. Ternovsky,

members of the Psychiatric Working Group; Document 150 on Vasif Meilanov's trial; Document 155 on the trials of Aleksandr and Kirill Podrabinek; Document 157 on the trial of Ukrainian Helsinki Group member, Oksana Meshko, and Document 161 on Moscow Helsinki Group member, Tatiana Osipova.

A particularly tragic example of violations of the right to a fair trial is Document 81 on the execution of Stepan Zatikyan and two other Armenians. "A death sentence was carried out by the Soviet Supreme Court Collegium against three young men on an unknown day, in an unknown place, and in total secrecy. This incident is unprecedented in judicial practice, since we know only one name of the three people who were sentenced to death. All three were condemned on charges of killing people during a January 1974 bombing of the Moscow Metro. One cannot understand why this trial was conducted in complete secrecy without informing even the family of the accused... Such total secrecy leads one to doubt not only that the trial was fair, but also that the charges were justified."

Moscow Helsinki Group Document 75 on special courts describes violations of the right to a public trial. This document discusses a system of special courts in the USSR with jurisdiction over all people who work in institutions which perform classified work. This secret system of courts is in direct violation of the Soviet Constitution and to the laws on court procedure: the judges in such trials are not elected but appointed; the trials are conducted in secrecy; copies of court decisions are secret. The Moscow Helsinki Group has declared that this special court system reveals that secrecy takes precedence over many people's claim to equal rights under the law.

VIII. The Situation of Prisoners of Conscience

The situation of prisoners of conscience in the USSR is a traditional theme for Soviet human rights activists and the Moscow Helsinki Group has continued this tradition.

Moscow Helsinki Group Document 3, "On Conditions of Detention of Prisoners of Conscience," is an extensive survey of the diet, prison isolation cells and the punishment of political prisoners. In addition, this document contains a list of political prisoners who were then (in June 1976) in Vladimir prison and who were punished. On the basis of this information, the Moscow Helsinki Group concluded that "prisoners of conscience in the USSR are subject to physical and moral torture."

The law provides for forced labor, systematic deprivations in diet, supplementary punishments in the punishment isolation cells in labor camp and in solitary confinement in prison... Dietary norms on 'reduced rations' in the prison isolation cell, in the camp prison and in the punishment cell are actually

torture by hunger -- or torture by hunger and cold -- and also denial of human values. The Moscow Helsinki Group proposes the creation of an international commission to investigate these violations and that the necessary documentation. Appended to Document 3 is a list of political prisoners who are ready to appear as witnesses before such a commission.

Other Moscow Helsinki Group documents describe various aspects of the life of political prisoners: medical service (Documents 17 and 67); transport of prisoners (Document 62); correspondence (Documents 62 and 68); violations of the right of political prisoners to creative work (Document 61); beatings in camp (Document 62); and a description of Chistopol prison to which political prisoners from Vladimir were transferred (Document 108).

Moscow Helsinki Group Document 87 is a compilation of political prisoners' reports: on prison labor (by the imprisoned leader of the Moscow Helsinki Group, physicist Yuri Orlov); on the relationship between camp administrators and political prisoners (by Ukrainian political prisoner V. Marchenko); on prison transfers (Yuri Orlov); on the suppression of information (by Lithuanian political prisoner, P. Plumpa).

Moscow Helsinki Group Document 17 contains a list of very ill political prisoners who, under Soviet law, could be released from camp early due to their health but who continue to be detained. Moscow Helsinki Group Documents 6 and 46 describe the system of extended punishment after release from imprisonment and after the end of the legal sentence: restrictions on the place of residence by denial of residence permits and by continuation of administrative surveillance. These documents also reveal discrimination against former political prisoners in the sphere of work and housing. Many Moscow Helsinki documents focus on the particularly difficult situation of certain political prisoners: M. Dzhemilev (Documents 1 and 43); P. Vins (Document 62); K. Podrabinek (Document 62); S. Gluzman (Document 80); I. Ogurtsov (Documents 88 and 100); S. Kovalev (Document 97); V. Balakhonov (Document 100); and O. Meshko (Documents 155 and 157). Since 1974, Soviet political prisoners have set aside October 30 as the day of political prisoners. Since 1976, the Moscow Helsinki Group has conducted a press conference on that day (Document 146).

In Documents 66, 106 and 138, the Moscow Helsinki Group calls for an amnesty for political prisoners and for abolishing articles on "anti-Soviet agitation and propaganda" and on "the dissemination of deliberately false information which slanders the Soviet state and social system" from the Soviet criminal code, plus sections of Article 64 which defines escape from the USSR and refusal to return to it as 'betrayal of the father-

land.' These articles almost exclusively are used to repress the right to freedom of expression and to a free choice of one's country of residence.

IX. Psychiatric Repressions

Psychiatric repressions are another frequent theme for human rights activists. In its first few months, the Moscow Helsinki Group issued several documents on this issue: an appeal on behalf of the Ukrainian dissident, V. Moroz, who had been sent from prison to undergo psychiatric examination; Document 8 on the abuse of psychiatry against people who had appealed to senior Soviet officials; an appeal to the USSR Supreme Soviet and to the U.S. Congress to create a joint commission to investigate instances of psychiatric repression for political purposes.

On January 5, 1977, the Working Commission on Psychiatric Abuse was created as an affiliate of the Moscow Helsinki Group. The Working Commission has published 24 Information Bulletins with extensive information on psychiatric repressions and on prisoners in psychiatric hospitals. At present, all the members of the Working Commission are imprisoned.

X. Human Contacts

Moscow Helsinki Group Documents 2 and 30, "On Interrupted Telephone and Postal Communications," describe instances in which human rights activists and refuseniks have had their telephones disconnected after receiving calls from abroad. The justification for these disconnections was that the telephones were used for anti-government purposes -- revealing that the calls had been monitored. It is unclear, however, which institutions or persons assume the authority to decide what constitutes an "anti-government" act. These documents also provide examples of non-delivery of mail and proof that mail is confiscated.

Document 19 discusses the disruption of an international conference on Jewish culture organized by Moscow refusenik-scientists. Foreign scientists invited to the symposium were refused entry by the Soviet authorities; the symposium organizers were searched, harassed and threatened. Moscow Helsinki Group Document 33 describes the unjustified denial of an exit visa for Aleksandr Zinoviev to travel to the Federal Republic of Germany to lecture at the invitation of German universities.

XI. On Ways to Improve Monitoring Compliance with the Final Act

The Moscow Helsinki Group has compiled two survey reports: "An Assessment of the Impact of the Human Rights Provisions of the CSCE" (published one year after the signing of the Accords) and Document 100 "On Violations of Human Rights in the USSR between August 1978 and August 1979" (published four years after the signing of the Final Act).

In addition, the Moscow Helsinki Group has issued appeals to the CSCE signatory states: "Three Months Before Belgrade" and "Six Months Before Belgrade." The Moscow Helsinki Group "Summary Document" and Documents 26, 35 and 39 were addressed to the Belgrade Meeting. Document 138 is addressed to the Madrid Meeting; another appeal is addressed to the Supreme Soviet and the U.S. Congress. Two other declarations, one for the thirtieth anniversary of the U.N. Declaration of Human Rights and the other on the International Covenant on Civil and Political Rights, called for an amnesty of political prisoners and were issued jointly with the U.S. Helsinki Watch Group. These documents contain proposals for improved monitoring of compliance with the humanitarian provisions of the Final Act.

1. The basic demand during implementation review of the Final Act must be the release of all imprisoned Helsinki monitors. One cannot conclude that a country is in compliance with the Final Act if those who worked for such compliance are imprisoned.

2. The spirit of the Helsinki Accords requires that the signatories release all prisoners of conscience; Amnesty International prisoner lists can serve as a point of reference.

3. The indivisible link between international security and human rights is the fundamental concept of the Final Act. Each half of this notion must be given equal attention at all Helsinki review meetings.

4. The formation of an international commission with representatives of government and the private sector of all CSCE states to review the documentation on violations of the humanitarian provisions of the Final Act. Such documentation is in the Chronicle of Current Events and the Chronicle of the Lithuanian Catholic Church, plus the documents of other human rights groups, including the Helsinki Monitoring Groups, the Commission to Investigate the Use of Psychiatry for Political Purposes, the Catholic Committee to Defend the Rights of Believers, and other independent public associations.

5. The Moscow Helsinki Group proposed the creation of a permanent international commission with members of citizens' groups to review specific civil rights violations by governments. The participating states should ensure that any citizen who brings a case before the Commission will not be subject to prosection for doing so.

In its appeal to the Belgrade Conference, which demanded that the Soviet Union fulfill its CSCE commitments, the Moscow Helsinki Group wrote:

> We are not convinced by Soviet threats to break off the conference due to "interference in its internal affairs." We believe that it is very unlikely that the Soviet Union would go against its own best interests by taking such a step. Of course, any Soviet withdrawal from CSCE would be unfortunate, but would be only a temporary impediment to the irreversible course of detente.
>
> In our opinion, a far greater misfortune -- a catastrophe with serious consequences for the future of mankind -- would be capitulation or hesitation in the face of these and other empty threats (Document #26).

These recommendations remain valid for the Madrid Conference. Moscow Helsinki Group Document #138, "An Appeal to the Madrid Conference," is appended to this present survey.

Moscow Helsinki Group Document 138 to the Madrid Conference

The Moscow Helsinki Group was organized on May 12, 1976 in full conformity with the provisions of the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights as an independent non-governmental association of people wishing to engage in the lawful and nonviolent defense of human rights. Similar groups were soon formed in the Ukraine, Lithuania, Georgia and Armenia; then in some East European countries (using different names); and later in the United States and West Europe.

The Moscow Helsinki Group has attempted to expose breaches of the humanitarian (Basket Three) provisions of the Helsinki Final Act, to gather and verify information on human rights violations, and to report such information to the heads of the 35 participating States and to world opinion. The Moscow Group has issued 137 documents since it was formed four years ago.

From the very beginning, the Moscow Group has been hounded by the authorities: many members have been imprisoned or forced to emigrate. The Helsinki Groups in other Soviet Republics have also suffered harsh repressions. Some Soviet Helsinki Groups have been forced to discontinue their work since not a single member remains at liberty.

During the five years since the Final Act was signed at Helsinki, participants in all branches of the human rights movement, including the Soviet Helsinki monitors, have been subjected to intensified repression: peremptory firings, interrogations, surveillance, summons for "chats" with the KGB, official warnings, forcible confinements in psychiatric hospitals, and harsh sentences of imprisonment and internal exile.

Targets of repression -- religious, literary, charitable, scientific, cultural and professional associations -- include The Chronicle of Current Events (this journal has played a key role in shaping the Soviet rights movement over the past twelve years); the Political Prisoners Aid Fund; the samizdat journals Searches, Jews in the USSR, and Community; the Working Commission on the Abuse of Psychiatry; the Christian Committee; the Invalid's Rights Group; the Council of Baptist Prisoners' Relatives; the Christian Youth Seminar; independent trade union associations; and nonconformist artists.

National movements in the Ukraine, Lithuania, Armenia and other Union Republics have been harried, as well as Jews and ethnic Germans seeking to emigrate, and Crimean Tatars and Meskhi striving to return to their historic homelands. Any independent thought, speech, or publication is cause for punishment. In recent years the violation of human rights has assumed the dimensions of massive campaign against any kind of dissent.

The Helsinki Final Act is the first international agreement affirming that peace, security and detente are indestructibly tied to respect for human rights. The Final Act shows that the defense of human rights can no longer be viewed as any country's internal affairs. Human rights have become a subject for international law.

People in the West are calling for a boycott of the Madrid Conference in response to the Soviet intervention in Afghanistan. We believe that a boycott would be a mistake. The Madrid Conference can and should become a forum which will again attract public attention to human rights issues and their link to international security. Clearly, the Soviet invasion of Afghanistan should be discussed and condemned. But human rights problems should also be accorded appropriate attention at Madrid.

We hope that the Madrid Conference will:

a) confirm the integral link between detente and respect for human rights;

b) recognize the fact that the observance of human rights is not solely a state's internal affair, but rather an international problem under the purview of international law;

c) censure gross violations of human rights, pointing out the sorts of violations which are most frequent in different countries;

d) organize an internationl tribunal to hear specific cases of a country's violation of the rights of its own citizens; and

e) acknowledge the right of Helsinki Monitoring Groups to function in all the participating States.

We deem inadmissable the existence of prisoners of conscience in any participating State and urge an amnesty for all prisoners of conscience (as defined by Amnesty International).

We suggest that the Conference make use of the Chronicle of Current Events, the Information Bulletin of the Initiative Group

to Defend the Rights of the Disabled, and other human rights documents from the USSR. We request our representative, Ludmilla Alexeyeva, to present to the Conference the 138 Documents of the Moscow Helsinki Group. Since during several trials Soviet authorities have labeled as "slander" certain facts in our documents, we call for the creation of an international commission to verify our statements.

We hope that the successful conduct of the Madrid Conference will mark a new stage in safeguarding human rights throughout the world and in easing East-West tensions.

August 20, 1980

Moscow Helsinki Group:

Elena Bonner
Sofia Kalistratova
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Translated by the U.S. Helsinki Watch Group

IMPRISONED MEMBERS OF THE HELSINKI MONITORING GROUPS

MOSCOW GROUP

Awaiting Trial

1. Feliks Serebrov -- arrested on January 9, 1981, on unknown charges. (Also a member of the Psychiatric Working Commission.)

Sentenced

2. Malva Landa -- sentenced on March 26, 1980, to five years of internal exile for "anti-Soviet slander."

3. Viktor Nekipelov -- sentenced on June 13, 1980, to seven years in labor camp and five years of internal exile for "anti-Soviet agitation and propaganda."

4. Yuri Orlov -- sentenced on May 18, 1978, to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

5. Tatiana Osipova -- sentenced on April 2, 1981 to five years general regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Article 70, RSFSR Criminal Code)

6. Anatoly Shcharansky -- sentenced on July 14, 1978, to three years in prison and 10 years in strict regimen camp for "anti-Soviet agitation and propaganda" and "treason." (Article 64-a, RSFSR Code)

7. Vladimir Slepak -- sentenced on June 21, 1978, to five years of internal exile for "malicious hooliganism." (Article 206, RSFSR Code)

8. Leonard Ternovsky -- sentenced on December 30, 1980, to three years in general regimen camp for "anti-Soviet slander." (Also a member of the Psychiatric Working Group.)

UKRAINIAN GROUP

Awaiting Trial

9. Ivan Kandyba -- arrested on March 24, 1981 on unknown charges.

Sentenced

10. Oksana Meshko --sentenced on January 6, 1981, to 6 months in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

11. Olha Heyko -- sentenced on August 26, 1980, to three years general regimen camp for "anti-Soviet slander." (Article 187, Ukrainian Code)

12. Vasyl Stus -- sentenced on October 14, 1980, to 10 years in special regimen camp and 5 years of internal exile for "anti-Soviet agitation and propaganda." (Article 62, Ukrainian Code)

13. Vitaly Kalynychenko -- sentenced on May 18, 1980, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

14. Yaroslav Lesiv -- sentenced in late June 1980, to two years in labor camp for "possession of narcotics." (Article 229, Ukrainian Code)

15. Vyacheslav Chornovil -- sentenced on June 6, 1980, to five years in strict regimen camp for attempted rape. Arrested while completing a term of internal exile under a 1972 sentence of six years in strict regimen camp and three years of internal exile for "anti-Soviet agitation and propaganda."

16. Zinovy Krasivsky -- arrested on March 12, 1980, and transferred directly into labor camp to serve the eight months in camp and five years of internal exile remaining under a 1967 sentence for "anti-Soviet agitation and propaganda" and "treason."

17. Petro Rozumnyi -- sentenced in spring 1980 to three years in labor camp for "possession of an illegal weapon" (hunting knife). (Article 222, Ukrainian Code)

18. Mykola Horbal -- sentenced on January 21, 1980, to five years "deprivation of freedom" for "resisting a representative of authority" and attempted rape. (Article 117, Ukrainian Code)

19. Oles Berdnyk -- sentenced on December 24, 1979, to six years in strict regimen camp and three years of internal exile for "anti-Soviet agitation and propaganda."

20. Yuri Lytvyn -- sentenced on December 19, 1979, to three years in strict regimen camp for "resisting a representative of authority."

21. Petro Sichko -- sentenced on December 4, 1979, for three years in strict regimen camp for "anti-Soviet slander."

22. Vasyl Sichko -- sentenced on December 4, 1979, to three years in strict regimen camp for "anti-Soviet slander."

23. Vasyl Striltsiv -- sentenced on November 12, 1979, to two years in strict regimen camp for violation of internal passport laws. (Article 198, RSFSR Code)

24. Levko Luykyanenko -- sentenced on July 20, 1978, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

25. Myroslav Marynovych -- sentenced on March 29, 1978, to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

26. Mykola Matusevych -- sentenced on March 29, 1978, to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

27. Mykola Rudenko -- sentenced on July 1, 1977, to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

28. Oleksy Tykhy -- sentenced on July 1, 1977, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda" and illegal possession of fire-arms. (Article 222, Ukrainian Code)

LITHUANIAN GROUP

29. Mecislovas Jurevicius -- arrested on March 25, 1981 on political charges.

Sentenced

30. Vytautas Skuodys -- sentenced on December 22, 1980, to seven years strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

31. Algirdas Statkevicius -- sentenced on August 11, 1980, to forcible psychiatric treatment after being arrested on February 14, 1980, reportedly for "anti-Soviet activities."

32. Viktoras Petkus -- sentenced on July 13, 1978, to three years in prison, seven years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Article 68, Lithuanian Code)

GEORGIAN GROUP

Sentenced

33. Merab Kostava -- sentenced on May 18, 1978, to three years in strict regimen camp and two years of internal exile for "anti-Soviet agitation and propaganda." (Article 71, Georgian Criminal Code)

ARMENIAN GROUP

Sentenced

34. Eduard Arutyunyan -- sentenced in April 1980 to two and one-half years in labor camp for "anti-Soviet slander." (Article 206, Armenian Criminal Code)

35. Robert Nazaryan -- sentenced on December 1, 1978, to five years in strict regimen camp and two years of internal exile for "anti-Soviet agitation and propaganda" and "resisting a representative of authority." (Articles 65 and 218, Armenian Code)

36. Shagen Arutyunyan -- sentenced on January 18, 1978, to three years in standard regimen camp for "resisting a representative of authority."

CHRISTIAN COMMITTEE FOR THE DEFENSE OF BELIEVERS

Sentenced

37. Viktor Kapitanchuk -- sentenced on October 9, 1980, to a suspended term of five years in prison for "anti-Soviet agitation and propaganda."

38. Father Gleb Yakunin -- sentenced on August 20, 1980, to five years in strict regimen camp and five years in internal exile for "anti-Soviet agitation and propaganda."

WORKING COMMISSION ON PSYCHIATRIC ABUSE

Awaiting Trial

39. Irina Grivnina -- arrested September 16, 1980, for "anti-Soviet slander."

40. Anatoly Koryagin -- arrested on February 13, 1981, on unknown charges.

Sentenced

41. Vyacheslav Bakhmin -- sentenced on September 24, 1980, to three years in general regimen camp for "anti-Soviet slander."

42. Aleksandr Podrabinek -- sentenced on January 6, 1981, to three years in camp (plus time remaining from his previous term of exile) for "anti-Soviet slander."

Leonard Ternovsky -- (See Moscow Group)

GROUP FOR THE LEGAL STRUGGLE OF THE FAITHFUL AND FREE SEVENTH-DAY ADVENTISTS

43. Rostislav Galetskiy -- sentenced on March 25, 1981 to five years in camp, plus five years in internal exile for "anti-Soviet slander" (Article 190-1 RSFSR Criminal Code) and violation of laws separating church and state (Article 142).

CATHOLIC COMMITTEE FOR THE DEFENSE OF BELIEVERS

Vytautas Skuodys -- (See Lithuanian Group)

MEMBERS SENTENCED BEFORE JOINING

Ukrainian Group

44. Vasyl Ovsienko -- sentenced on February 9, 1979, to three years in strict regimen camp for "resisting a representative of authority."

45. Oksana Popovych -- arrested in November 1973 and sentenced to eight years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

46. Bohdan Rebryk -- arrested on May 23, 1974, and sentenced to seven years in special regimen camp and three years of internal exile for "anti-Soviet agitation and propaganda."

47. Father Vasyl Romanyuk -- sentenced in July 1972 to two years in prison, five years in special regimen camp and three years of internal exile for "anti-Soviet agitation and propaganda."

48. Irina Senyk -- sentenced on November 15, 1972, to six years in strict regimen camp and three years of internal exile for "anti-Soviet agitation and propaganda."

49. Yuri Shukhevych -- arrested in March 1972 and sentenced to five years in prison, five years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." Shukhevych was first arrested on August 24, 1948, because he was the son of the commander of the Ukrainian Partisan Army; he served two successive 10-year terms in prison and camp.

50. Danylo Shumuk -- sentenced in July 1972 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda," after serving several terms in camp and prison between 1933 and 1967 under political charges."

51. Iosif Zisels -- sentenced on April 5, 1979, to three years in strengthened regimen camp for "anti-Soviet slander."

Lithuanian Group

52. Balys Gajauskas -- sentenced on April 14, 1978, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."